

E-filed 3/29/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MARIA CERVANTES; MOISES VILLALOBOS,

Plaintiffs,

v.

WELLS FARGO BANK,,; and DOES 1-100
inclusive,

Defendants.

Case Number 10-CV-05689-JF

ORDER¹ GRANTING DEFENDANT'S
MOTION TO DISMISS WITH LEAVE
TO AMEND

[Re: Docket No. 4]

Defendant Wells Fargo Bank, N.A. moves to dismiss all claims for relief in Plaintiffs' complaint. The Court concludes that the motion is appropriate for determination without oral argument and will vacate the hearing scheduled January 28, 2011. *See* Civ. L.R. 7-1(b).

Under this Court's Civil Local Rules, Plaintiffs' opposition was due at least twenty-one days before the noticed hearing date of April 1, 2011—here, not later than March 11, 2011. *See* Civ. L.R. 7-3(a). As of the date of this order, Plaintiffs have not filed opposition papers.

Because the instant motion appears well-taken and is unopposed, the motion to dismiss

¹ This disposition is not designated for publication in the official reports.

1 will be granted with leave to amend. Any amended pleading shall be filed within twenty (20)
2 days after the date of this order.

3 **ORDER**

4 For good cause shown,

5 (1) the motion to dismiss is GRANTED, WITH LEAVE TO AMEND;

6 (2) any amended pleading shall be filed within twenty (20) days after the date of this
7 order;

8 (3) the hearing date of April 1, 2011 is VACATED.

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10 **IT IS SO ORDERED**

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12 DATED: March 29, 2011

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14 JEREMY FOGEL
15 United States District Judge
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